

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA

**SHEILA M. MARTIN, et al.,** :  
**Plaintiffs** : **CIVIL ACTION NO. 3:17-1792**  
**v.** : **(MANNION, D.J.)**  
**(SCHWAB, M.J.)**  
**TOWNSEND R. MOREY, III, et al.,** :  
**Defendants** :

**ORDER**

In accordance with the memorandum issued this same day, **IT IS  
HEREBY ORDERED THAT:**

- (1) the unopposed report and recommendation of Judge Schwab, (**Doc. 54**), is **ADOPTED IN ITS ENTIRETY**;
- (2) the plaintiff's motion to substitute, (**Doc. 36**), is **DENIED**;
- (3) all of the claims brought by plaintiff on behalf of Townsend R. Morey, Jr. and Peter A. Rodenrys in her amended complaint, (**Doc. 38**), are **DISMISSED**, and Townsend R. Morey, Jr. and Peter A. Rodenrys are **DISMISSED** from this case as plaintiffs;
- (4) defendant Bon Secours Hospital's motion to dismiss the plaintiff's amended complaint, (**Doc. 41**), for insufficient service of process is **GRANTED**, and the plaintiff's

amended complaint, (**Doc. 38**), is **DISMISSED WITHOUT PREJUDICE** against the defendant hospital;

(5) defendant Townsend R. Morey, III's motion to dismiss the plaintiff's amended complaint, (**Doc. 46**), for failure to state a claim is **GRANTED**, and the plaintiff's amended complaint, (**Doc. 38**), is **DISMISSED WITH PREJUDICE** against this defendant as to all claims;

(6) the claims in the plaintiff's amended complaint, (**Doc. 38**), against defendants David Morey and Martin Morey are **DISMISSED WITHOUT PREJUDICE**, pursuant to Fed.R.Civ.P. 4(m), for lack of service;

(7) the claims in the plaintiff's amended complaint, (**Doc. 38**), against defendants Tracey Simon and Pike County Agency on Aging are **DISMISSED WITHOUT PREJUDICE**, and the plaintiff is **GRANTED** leave to file a second amended complaint against these two County defendants limited to the claims she brings on her own behalf;

(8) the plaintiff is directed to file her second amended

complaint, as specified in this Order, by **July 24, 2019**, and the plaintiff is directed to raise only claims she brings on her own behalf against the above stated defendants who have been **DISMISSED WITHOUT PREJUDICE**; and

(9) this case is **RECOMMITTED** to Judge Schwab for further proceedings.

*s/ Malachy E. Mannion*  
**MALACHY E. MANNION**  
**United States District Judge**

**Date: July 9, 2019**

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